



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Development Review Committee &
Townesley Schwab, Senior Director of Planning & Environmental Resources

From: Joseph Haberman, AICP, Principal Planner

Date: January 6, 2010

Subject: *Proposed Ordinance to the Board of County Commissioners to amend Monroe County Code Section 130-83, Improved subdivision district (IS), Section 130-99, Urban residential-mobile home district (URM), Section 130-100, Urban residential mobile home-limited district (URM-L) and Section 130-164, Maximum nonresidential land use intensities and district open space*

Meeting: January 12, 2010

I REQUEST

The Planning & Environmental Resources Department is proposing amendments to the text of §130-83, §130-99, §130-100 and §130-164 of the Monroe County Code. The purposes of the proposed amendments are to provide consistency between regulations provided land development code and policies in the comprehensive plan.

II RELEVANT PRIOR COUNTY ACTIONS:

The Monroe County Year 2010 Comprehensive Plan became effective on January 2, 1996. Policies 101.4.3, 101.4.4 and 101.4.21, which are those pertinent to this proposed ordinance, were established at that time.

III REVIEW

The current regulations within the land development code establishing the permitted uses in the Improved Subdivision (IS), Urban Residential Mobile Home (URM) and Urban Residential Mobile Home – Limited (URM-L) districts are not consistent with the Policies 101.4.3, 101.4.4 and 101.4.21 of the Year 2010 Comprehensive Plan. Particularly, the comprehensive plan policies that state the purposes of the Residential Medium (RM) future land use category (Policy 101.4.3), in which the IS district is consistent, and the Residential High (RH) future land use category (Policy 101.4.4), in which the URM and URM-L districts are consistent, do not allow for new nonresidential uses and marinas regardless of their characteristics, locations or proximity to US 1. Furthermore, the comprehensive plan policy that provides the allowed density and intensity standards for future land use categories (Policy 101.4.21) states that the maximum nonresidential floor area ratio for both the RM and RH categories is 0.

The policies are as follows:

Policy 101.4.3

The principal purpose of the Residential Medium land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of this plan and to define improved subdivisions as those lots served by a dedicated and accepted existing roadway, have an approved potable water supply, and have sufficient uplands to accommodate the residential uses. Development on vacant land within this land use category shall be limited to one residential dwelling unit for each such platted lot or parcel which existed at the time of plan adoption. However, Monroe County shall adopt Land Development Regulations which allow nonresidential uses that were listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 LDR's allowed, whichever is more restricted. Lands within this land use category shall not be further subdivided.

Policy 101.4.4

The principal purpose of the Residential High category is to provide for high density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing, located near employment centers. In addition, Monroe County shall adopt Land Development Regulations which allow nonresidential uses that were listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 LDR's allowed, whichever is more restricted.

Future Land Use Densities and Intensities			
Future Land Use Category And Corresponding Zoning	Allocated Density (per acre)	Maximum Net Density (per buildable acre)	Maximum Intensity (floor area ratio)
...			
Residential Medium (RM) (IS zoning)	approx. 0.5-8 du (1 du/lot) 0 rooms/spaces	N/A N/A	0
Residential High (RH) (IS-D(e), URM(e), and UR(f) zoning)	approx. 3-16 du (1-2 du/lot) 10 rooms/spaces	12 du 20 rooms/spaces	0
Notes: (a) "N/A" means that maximum net density bonuses shall not be available. (b) The allocated densities for submerged lands, salt ponds, freshwater ponds, and mangroves shall be 0 and the maximum net densities bonuses shall not be available. (c) The allocated density for CFV zoning shall be 1 dwelling unit per lot and the maximum net density bonuses shall not be available. (d) Maximum net density bonuses shall not be available to the SS district. (e) The allocated density for IS-D and URM zoning shall be 2 and 1 dwelling units per lot, respectively and the maximum net density bonuses shall not be available.			

- (f) The maximum net density for the UR district shall be 25 for units where all units are designated as affordable housing.
- (g) For properties consisting of hammocks, pinelands or disturbed wetlands within the Mixed Use/ Commercial and Mixed Use/ Commercial Fishing land use categories, the floor area ratio shall be 0.10 and the maximum net residential density bonuses not apply.
- (h) Uses under the categories of Agriculture, Education, Institutional, Public Facilities, and Public Buildings and Uses, which have no directly corresponding zoning, may be incorporated into new or existing zoning districts as appropriate.
- (i) The Maximum Net Density is the maximum density allowable with the use of TDRs.

The inconsistencies between the IS district and RM category and between the URM and URM-L districts and RH category must be corrected. Since the policies of the comprehensive plan supersede the regulations of the land development code, staff is suggesting the following amendments. In addition, staff is recommending amendments to correct errors and provide better readability within the sections, all of which do not pertain to correcting a comprehensive plan/land development code inconsistency.

Note: Existing non-residential uses in the RM and RH categories that were lawfully-established would not be affected by the proposed amendments. Those uses are allowed to improve and possibly substantially improve or reestablish in accordance with Policies 101.4.3 and 101.4.4 or in accordance with the nonconformity provisions of the land development code. However, staff is recommending amendments to the existing land development code language to directly state the language as provided in the comprehensive plan's Policies 101.4.3 and 101.4.4 word-for-word. Under the current land development code regulations, reestablishment is limited only to specific types, intensities and sizes of commercial retail and office. The comprehensive plan provides no limitations; therefore such limitations are not consistent with the comprehensive plan.

(deletions are ~~stricken through~~ and additions are underlined):

Sec. 130-83. Improved subdivision district (IS).

(a) The following uses are permitted as of right in the improved subdivision district:

- (1) In ~~those improved subdivision~~ IS districts with no subdistrict indicator, detached dwellings of all types;
- (2) In ~~those improved subdivision~~ IS districts with an M subdistrict ~~indicator~~ indicators, only detached dwellings of masonry construction;
- (3) In ~~those improved subdivision district~~ IS districts with a D subdistrict ~~indicator~~ indicators:
 - a. Detached dwellings of all types; and
 - b. Duplexes;
- (4) Home occupations-Special use permit required;
- (5) Accessory uses;
- (6) Collocations on existing antenna-supporting structures, pursuant to section 146-5(3);
- (7) Satellite earth stations less than two meters in diameter, as accessory uses, pursuant to section 146-5(6); and
- (8) Wastewater nutrient reduction cluster systems that serve less than ten residences.

(b) Vacation rental use is prohibited in ~~all IS districts and subdistricts~~, except in:

- (1) IS districts with V subdistrict indicators ~~IS-V districts (as set forth in section 130-83);~~ and
- (2) In gated communities that have:

- 1 a. Controlled access; and
2 b. A homeowner's or property owner's association that expressly regulates or
3 manages vacation rental uses.
- 4 (c) The following uses are permitted as minor conditional uses in the improved subdivision district,
5 subject to the standards and procedures set forth in chapter 110, article III:
6 (1) ~~Parks and community parks;~~
7 ~~(2) Public parks;~~
8 ~~(3) (2) Schools; and~~
9 ~~(4) (3) Satellite earth stations greater than or equal to two meters in diameter, as accessory~~
10 ~~uses, pursuant to section 146-5(6).~~
- 11 (d) The following uses are permitted as major conditional uses in the improved subdivision district,
12 subject to the standards and procedures set forth in chapter 110, article III:
13 ~~(1) Commercial retail of low and medium intensity and office uses or any combination~~
14 ~~thereof of less than 2,500 square feet of floor area, provided that:~~
15 ~~a. The parcel of land on which the commercial retail use is to be located abuts the~~
16 ~~right of way of U.S. 1, or a dedicated right of way to serve as a frontage road for~~
17 ~~U.S. 1;~~
18 ~~b. The structure must be located within 200 feet of the centerline of U.S. 1;~~
19 ~~c. The commercial retail use does not involve the sale of petroleum products;~~
20 ~~d. The commercial retail use does not involve the outside storage or display of~~
21 ~~goods or merchandise;~~
22 ~~e. There is no direct access to U.S. 1 from the parcel of land on which the~~
23 ~~commercial retail use is to be located;~~
24 ~~f. The structure in which the commercial retail use is to be located is separated~~
25 ~~from the U.S. 1 right of way by a class C bufferyard;~~
26 ~~g. The structure in which the commercial retail use is to be located is separated~~
27 ~~from any existing residential structure by a class C bufferyard; and~~
28 ~~h. No signage other than one identification sign of no more than four square feet~~
29 ~~shall be placed in any yard or on the wall of the structure in which the commercial~~
30 ~~retail use is to be located except for the yard or wall that abuts the right of way for~~
31 ~~U.S. 1;~~
- 32 ~~(2) (1) Stealth wireless communications facilities, as accessory uses, pursuant to section~~
33 ~~146-5(5);~~
34 ~~(3) (2) Land use overlays A, INS, PF, subject to the provisions of article IV of this chapter;~~
35 ~~and~~
36 ~~(4) (3) Wastewater treatment facilities and wastewater treatment collection systems serving~~
37 ~~uses located in any land use district, provided that:~~
38 ~~a. The wastewater treatment facility and wastewater treatment collection systems~~
39 ~~are in compliance with all federal, state, and local requirements;~~
40 ~~b. The wastewater treatment facility, wastewater treatment collection systems and~~
41 ~~accessory uses shall be screened by structures designed to be architecturally~~
42 ~~consistent with the character of the surrounding community and shall minimize the~~
43 ~~impact of any outdoor storage, temporary or permanent; and~~
44 ~~c. In addition to any district boundary buffers set forth in chapter 114, article IV, a~~
45 ~~planting bed, eight feet in width, to be measured perpendicular to the exterior of the~~
46 ~~screening structure shall be established with the following:~~
47 ~~1. One native canopy tree for every 25 linear feet of screening structure;~~
48 ~~and one understory tree for every ten linear feet of screening structure;~~
49 ~~2. The required trees shall be evenly distributed throughout the planting~~
50 ~~bed;~~

1 3. The planting bed shall be installed as set forth in chapter 114, article IV,
2 and maintained in perpetuity; and

3 4. A solid fence may be required upon determination by the planning
4 director.

5 (4) Lawfully established nonresidential uses that were listed as a permitted use in the land
6 development regulations that were in effect immediately prior to the institution of the 2010
7 Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996, may
8 develop, redevelop, reestablish and/or substantially improve provided that the uses are
9 limited in intensity, floor area, density and to the type of use that existed on January 4, 1996
10 or limited to what the land development regulations that were in effect immediately prior to
11 the institution of the 2010 Comprehensive Plan allowed, whichever is more restricted.

12 ~~(e) The following lawfully established nonresidential uses in the suburban residential land use~~
13 ~~district, which were rendered nonconforming by the 2010 Comprehensive Plan, but listed as~~
14 ~~permitted uses in the land development regulations that were in effect immediately prior to the~~
15 ~~institution of the 2010 Comprehensive Plan (pre 2010 LDRs) and lawfully existed on such lands on~~
16 ~~January 4, 1996, which are damaged or destroyed may be permitted to be redeveloped, make~~
17 ~~substantial improvements, or be reestablished as an amendment to a major conditional use, subject~~
18 ~~to the standards and procedures set forth in chapter 110, article III: Commercial retail of low- and~~
19 ~~medium intensity or office uses or any combination thereof of less than 2,500 square feet of floor~~
20 ~~area, provided that:~~

21 ~~(1) The parcel of land on which the commercial retail use is to be located abuts the right-of-~~
22 ~~way of U.S. 1, or a dedicated right-of-way to serve as a frontage road for U.S. 1;~~

23 ~~(2) The structure must be located within 200 feet of the centerline of U.S. 1;~~

24 ~~(3) The commercial retail use does not involve the sale of petroleum products;~~

25 ~~(4) The commercial retail use does not involve the outside storage or display of goods or~~
26 ~~merchandise;~~

27 ~~(5) There is no direct access to U.S. 1 from the parcel of land on which the commercial~~
28 ~~retail use is to be located;~~

29 ~~(6) The structure in which the commercial retail use is to be located is separated from the~~
30 ~~U.S. 1 right-of-way by a class C bufferyard;~~

31 ~~(7) The structure in which the commercial retail use is to be located is separated from any~~
32 ~~existing residential structure by a class C bufferyard;~~

33 ~~(8) No signage other than one identification sign of no more than four square feet shall be~~
34 ~~placed in any yard or on the wall of the structure in which the commercial retail use is to be~~
35 ~~located except for the yard or wall that abuts the right of way for U.S. 1; and~~

36 ~~(9) The use is limited in intensity, floor area, density and to the type of use that existed on~~
37 ~~January 4, 1996, or limited to the permitted uses and/or the provisions for minor or major~~
38 ~~conditional uses allowed in the pre 1996 LDRs for this district, whichever is more~~
39 ~~restrictive.~~

40
41 **Sec. 130-99. Urban residential-mobile home district (URM).**

42 (a) The following uses are permitted, as of right in the urban residential-mobile home district:

43 (1) Mobile homes;

44 (2) Detached residential dwellings;

45 (3) Recreational vehicles as provided in F.S. ch. 513;

46 (4) Home occupations-Special use permit required;

47 (5) Accessory uses;

48 (6) Tourist housing uses, including vacation rental uses, are prohibited except in gated
49 communities that have:

50 a. Controlled access; and

- 1 b. ~~A homeowner's or property owner's association that expressly regulates or~~
2 ~~manages vacation rental uses;~~
3 (7) (6) Collocations on existing antenna-supporting structures, pursuant to section 146-
4 5(3);
5 (8) (7) Satellite earth stations less than two meters in diameter, as accessory uses,
6 pursuant to section 146-5(6); and
7 (9) (8) Wastewater nutrient reduction cluster systems that serve less than ten residences.
8 (b) Vacation rental use is prohibited, except in:
9 (1) In gated communities that have:
10 a. Controlled access; and
11 b. A homeowner's or property owner's association that expressly regulates or
12 manages vacation rental uses.
13 (b) (c) The following are permitted as minor conditional uses in the urban residential-mobile
14 home district (~~URM~~), subject to the standards and procedures set forth in chapter 110, article III:
15 (1) Replacement of an existing antenna-supporting structure pursuant to section 146-5(2);
16 (2) Stealth wireless communications facilities, as accessory uses, pursuant to section 146-
17 5(5); and
18 (3) Satellite earth stations greater than or equal to two meters in diameter, as accessory
19 uses, pursuant to section 146-5(6).
20 (e) (d) The following uses are permitted as major conditional uses in the urban residential-mobile
21 home district, subject to the standards and procedures set forth in chapter 110, article III:
22 (1) Marinas, provided that:
23 a. ~~The parcel proposed for development has access to water at least four feet~~
24 ~~below mean sea level at mean low tide;~~
25 b. ~~The sale of goods and services is limited to fuel, food, boating, diving and~~
26 ~~sport fishing products;~~
27 c. ~~Vessels docked or stored shall not be used for live aboard purposes; and~~
28 d. ~~All outside storage areas are screened from adjacent uses by a solid fence, wall~~
29 ~~or hedge at least six feet in height;~~
30 e. ~~Each nonwaterside perimeter setback of the parcel proposed for development~~
31 ~~must have a class C bufferyard within a side yard setback of ten feet;~~
32 (2) ~~Commercial retail of low- and medium-intensity and office uses or any combination~~
33 ~~thereof of less than 2,500 square feet of floor area, provided that:~~
34 a. ~~The parcel of land on which the commercial retail use is to be located abuts the~~
35 ~~right-of-way of U.S. 1;~~
36 b. ~~The structure must be located within 200 feet of the centerline of U.S. 1;~~
37 c. ~~The commercial retail use does not involve the sale of petroleum products;~~
38 d. ~~The commercial retail use does not involve the outside storage or display of~~
39 ~~goods or merchandise;~~
40 e. ~~There is no direct access to U.S. 1 from the parcel of land on which the~~
41 ~~commercial retail use is to be located;~~
42 f. ~~The structure in which the commercial retail use is to be located is separated~~
43 ~~from the U.S. 1 right-of-way by a class C bufferyard;~~
44 g. ~~The structure in which the commercial retail use is to be located is separated~~
45 ~~from any existing residential structure by a class C bufferyard; and~~
46 h. ~~No signage other than one identification sign of no more than four square feet~~
47 ~~shall be placed in any yard or on the wall of the structure in which the~~
48 ~~commercial retail use is to be located except for the yard or wall that abuts the~~
49 ~~right-of-way for U.S. 1;~~
50 (3) (1) Parks and community parks; and
51 (4) (2) Land use overlays A, E, PF, subject to the provisions of article IV of this chapter.

1 (3) Wastewater treatment facilities and wastewater treatment collection systems serving
2 uses located in any land use district, provided that:

3 a. The wastewater treatment facility and wastewater treatment collection systems
4 are in compliance with all federal, state, and local requirements;

5 b. The wastewater treatment facility, wastewater treatment collection systems and
6 accessory uses shall be screened by structures designed to be architecturally
7 consistent with the character of the surrounding community and shall minimize the
8 impact of any outdoor storage, temporary or permanent; and

9 c. In addition to any district boundary buffers set forth in chapter 114, article IV, a
10 planting bed, eight feet in width, to be measured perpendicular to the exterior of the
11 screening structure shall be established with the following:

12 1. One native canopy tree for every 25 linear feet of screening structure;
13 and one understory tree for every ten linear feet of screening structure;

14 2. The required trees shall be evenly distributed throughout the planting
15 bed;

16 3. The planting bed shall be installed as set forth in chapter 114, article IV,
17 and maintained in perpetuity; and

18 4. A solid fence may be required upon determination by the planning
19 director.

20 (4) Lawfully established nonresidential uses that were listed as a permitted use in the land
21 development regulations that were in effect immediately prior to the institution of the 2010
22 Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996, may
23 develop, redevelop, reestablish and/or substantially improve provided that the uses are
24 limited in intensity, floor area, density and to the type of use that existed on January 4, 1996
25 or limited to what the land development regulations that were in effect immediately prior to
26 the institution of the 2010 Comprehensive Plan allowed, whichever is more restricted.

27 ~~(d) The following lawfully established nonresidential uses in the urban residential—mobile home~~
28 ~~land use district, which were rendered nonconforming by the 2010 Comprehensive Plan, but~~
29 ~~listed as permitted uses in the land development regulations that were in effect immediately prior~~
30 ~~to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's) and lawfully existed on such~~
31 ~~lands on January 4, 1996, which are damaged or destroyed may be permitted to be redeveloped,~~
32 ~~make substantial improvements, or be reestablished as an amendment to a major conditional use,~~
33 ~~subject to the standards and procedures set forth in chapter 110, article III:~~

34 ~~(1) Marinas, provided that:~~

35 ~~a. The parcel has access to water at least four feet below mean sea level at mean~~
36 ~~low tide;~~

37 ~~b. The sale of goods and services is limited to fuel, food, boating, diving, and~~
38 ~~sport fishing producers;~~

39 ~~c. Vessels docked or stored shall not be used for live-aboard purposes;~~

40 ~~d. All outside storage areas are screened from adjacent uses by a solid fence, wall~~
41 ~~or hedge at least six feet in height; and~~

42 ~~e. The use is limited in intensity, floor area, density and to the type of use that~~
43 ~~existed on January 4, 1996, or limited to the permitted uses and/or the provisions~~
44 ~~for minor or major conditional uses allowed in the pre-1996 LDR's for this~~
45 ~~district, whichever is more restrictive;~~

46 ~~(2) Commercial retail of low and medium intensity or office uses or any combination~~
47 ~~thereof of less than 2,500 square feet of floor area, provided that:~~

48 ~~a. The parcel of land on which the commercial retail use is to be located abuts the~~
49 ~~right of way of U.S. 1, or a dedicated right of way to serve as a frontage road for~~
50 ~~U.S. 1;~~

51 ~~b. The commercial retail use does not involve the sale of petroleum products;~~

- 1 e. The commercial retail use does not involve the outside storage or display of
2 goods or merchandise with the exception that outside sales and display for
3 nurseries may be permitted with the stipulation that required open space and
4 required bufferyards may not be used for display and sales;
5 d. The structure in which the commercial retail use is to be located is separated
6 from the U.S. 1 right of way by a class C bufferyard;
7 e. The structure in which the commercial retail use is to be located is separated
8 from any existing residential structure by a class C bufferyard;
9 f. No signage other than one identification sign of no more than four square feet
10 shall be placed in any yard or on the wall of the structure in which the
11 commercial retail use is to be located except for the yard or wall that abuts the
12 right of way for U.S. 1; and
13 g. The use is limited in intensity, floor area, density and to the type of use that
14 existed on January 4, 1996, or limited to the permitted uses and/or the provisions
15 for minor or major conditional uses allowed in the pre-1996 LDR's for this
16 district, whichever is more restrictive.
17

18 **Sec. 130-100. Urban residential mobile home-limited district (URM-L).**

19 (a) The following uses are permitted as of right in the urban mobile home-limited URM-L
20 district:

- 21 (1) Mobile homes;
22 (2) Recreational vehicles, as provided in F.S. ch. 513;
23 (3) Home occupations-Special use permit required;
24 (4) Accessory uses;
25 ~~(5) Tourist housing uses, including vacation rental uses, are prohibited except in gated~~
26 ~~communities that have:~~
27 ~~a. Controlled access; and~~
28 ~~b. A homeowner's or property owner's association that expressly regulates or~~
29 ~~manages vacation rental uses;~~
30 ~~(6) (5) Collocations on existing antenna-supporting structures, pursuant to section 146-~~
31 ~~5(3);~~
32 ~~(7) (6) Satellite earth stations less than two meters in diameter, as accessory uses,~~
33 ~~pursuant to section 146-5(6); and~~
34 ~~(8) (7) Wastewater nutrient reduction cluster systems that serve less than ten residences.~~

35 (b) Vacation rental use is prohibited, except in:

- 36 (1) In gated communities that have:
37 a. Controlled access; and
38 b. A homeowner's or property owner's association that expressly regulates or
39 manages vacation rental uses.

40 ~~(b) (c)~~ The following uses are permitted as minor conditional uses in the urban mobile home-
41 limited district ~~(URM-L)~~, subject to the standards and procedures set forth in chapter 110, article
42 III:

- 43 (1) Replacement of an existing antenna-supporting structure pursuant to section 146-5(2);
44 (2) Stealth wireless communications facilities, as accessory uses, pursuant to section 146-
45 5(5); and
46 (3) Satellite earth stations greater than or equal to two meters in diameter, as accessory
47 uses, pursuant to section 146-5(6).

48 ~~(e) (d)~~ The following uses are permitted as major conditional uses in the urban mobile home-
49 limited URM-L district subject to the standards and procedures set forth in chapter 110, article
50 III:

- 51 ~~(1) Marinas, provided that:~~

- a. The marina is primarily intended and designed to serve the residents of the district in which it is located;
- b. The parcel proposed for development has access to water of at least four feet below mean sea level at mean low tide;
- c. The sale of goods and services is limited to fuel, food, boating, and diving and sport fishing products;
- d. Vessels docked or stored shall not be used for live aboard purposes; and
- e. All outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six feet in height;

(2) ~~Commercial retail of low intensity of less than 2,500 square feet of floor area, provided that:~~

- a. The parcel of land on which the commercial retail use is to be located abuts the right of way of U.S. 1;
- b. The primary structure must be located within 200 feet of the centerline of U.S. 1;
- c. The commercial retail use does not involve the sale of petroleum products;
- d. The commercial retail use does not involve the outside storage of merchandise;
- e. There is no direct access to U.S. 1 from the parcel of land on which the commercial retail use is to be located;
- f. The structure in which the commercial retail use is to be located is separated from the U.S. 1 right of way by a class C bufferyard;
- g. The structure in which the commercial retail use is to be located is separated from any existing residential structure by a class C bufferyard; and
- h. No signage other than one identification sign of no more than four square feet shall be placed in any yard or on the wall of the structure in which the commercial retail use is to be located except for the yard or wall that abuts the right of way of U.S. 1;

(3) (1) Land use overlays A, E, INS, PF, PB, subject to the provisions of article IV of this chapter.

(2) Wastewater treatment facilities and wastewater treatment collection systems serving uses located in any land use district, provided that:

- a. The wastewater treatment facility and wastewater treatment collection systems are in compliance with all federal, state, and local requirements;
- b. The wastewater treatment facility, wastewater treatment collection systems and accessory uses shall be screened by structures designed to be architecturally consistent with the character of the surrounding community and shall minimize the impact of any outdoor storage, temporary or permanent; and
- c. In addition to any district boundary buffers set forth in chapter 114, article IV, a planting bed, eight feet in width, to be measured perpendicular to the exterior of the screening structure shall be established with the following:
 1. One native canopy tree for every 25 linear feet of screening structure; and one understory tree for every ten linear feet of screening structure;
 2. The required trees shall be evenly distributed throughout the planting bed;
 3. The planting bed shall be installed as set forth in chapter 114, article IV, and maintained in perpetuity; and
 4. A solid fence may be required upon determination by the planning director.

(3) Lawfully established nonresidential uses that were listed as a permitted use in the land development regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996, may

develop, redevelop, reestablish and/or substantially improve provided that the uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the land development regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan allowed, whichever is more restricted.

Sec. 130-164. Maximum nonresidential land use intensities and district open space.

Maximum nonresidential land use intensities and district open space shall be in accordance with the following table:

TABLE INSET:

<i>Land Use District</i>		<i>Maximum Floor Area Ratio</i>	<i>O.S.R. *</i>
Urban commercial:			
Commercial retail:			
	Low intensity	0.45	0.20
	Medium intensity	0.40	0.20
	High intensity	0.35	0.20
	Offices	0.45	0.20
	Commercial recreation	0.15	0.20
	Institutional	0.40	0.20
	Outdoor recreational	0.15	0.20
	Public buildings	0.35	0.20
Urban residential:			
	Institutional	0.30	0.20
	Public buildings and uses	0.30	0.20
Urban residential mobile home <u>and</u> Urban residential mobile home-limited:			
Commercial retail:			
	Low intensity	**	0.20
	Medium intensity	**	0.20
	Offices	**	0.20
	<u>Nonresidential uses as permitted in sections 130-99(d)(4) and 130-100(d)(3)</u>	<u>***</u>	<u>0.20</u>
Suburban commercial:			
Commercial retail:			
	Low intensity	0.35	0.20
	Medium intensity	0.25	0.20

	High intensity	0.15	0.20
	Offices	0.40	0.20
	Commercial recreational	0.10	0.20
	Institutional	0.30	0.20
	Outdoor recreational	0.10	0.20
	Public buildings and uses	0.30	0.20
	Light industry	0.30	0.20
Suburban residential:			
	Commercial retail:		
	Low intensity	**	0.50
	Medium intensity	**	0.50
	Offices	**	0.50
	Public buildings and uses	0.25	0.50
	Institutional	0.25	0.50
Sparsely settled:			
	Public buildings and uses	0.20	0.20
Native area:			
	Public buildings and uses	0.20	0.20
Mainland native area:			
	Educational/research centers	0.30	0.20
Improved subdivision:			
	Commercial retail:—		
	Low intensity—	0.25**	0.20
	Medium intensity—	0.20**	0.20
	Offices—	0.25**	0.20
	<u>Nonresidential uses as permitted in sections 130-99(d)(4) and 130-100(d)(3)</u>	***	<u>0.20</u>
Destination resort:			
	Commercial retail	**	0.20
	Institutional	0.30	0.20
Recreational vehicle:			
	Commercial retail	**	0.20
Commercial fishing area:			

	Commercial fishing	0.40	0.20
	Light industry	0.40	0.20
	Commercial retail:		
	Low intensity	0.40	0.20
	Medium intensity	0.40	0.20
	Commercial fishing village:		
	Commercial fishing	0.40	0.20
	Commercial fishing special districts (all):		
	Commercial retail:		
	Low intensity	0.35	0.20
	Medium intensity	0.25	0.20
	Commercial fishing	0.40	0.20
	Light industry	0.30	0.20
	Mixed use:		
	Commercial retail:		
	Low intensity	0.35	0.20
	Medium intensity	0.25	0.20
	High intensity	0.15	0.20
	Offices	0.40	0.20
	Commercial recreational	0.10	0.20
	Institutional	0.30	0.20
	Outdoor recreational	0.10	0.20
	Public buildings and uses	0.30	0.20
	Commercial fishing	0.40	0.20
	Light industry	0.30	0.20
	Industrial:		
	Light industry	0.40	0.20
	Heavy industry	0.25	0.20
	Public buildings and uses	0.40	0.20
	Restaurants	0.30	0.20
	Offices	0.40	0.20
	Commercial fishing	0.40	0.20

Maritime industrial industries:			
Commercial retail:			
	Low intensity	0.30	0.20
	Medium intensity	0.30	0.20
	High intensity	0.40	0.20
	Offices	0.50	0.20
	Public buildings and uses	0.60	0.20
	Commercial fishing	0.45	0.20
	Light industry	0.35	0.20
Heavy industry:—			
Military facilities:			
	Military uses	0.50	0.20
Commercial retail:			
	Low intensity	0.30	0.20
	Medium intensity	0.30	0.20
	Offices	0.40	0.20
	Public buildings and uses	0.30	0.20
Airport:			
	Airport uses	0.10	0.20
Parks and refuge:			
	Public buildings and uses	0.20	0.90
* See additional open space ratio in this article: in accordance with section 118-12, the most restrictive of these ratios applies.			
**Where commercial uses are allowed as permitted uses, and no FAR is given, the maximum per lot stated in article III of this chapter shall prevail.			
*** <u>Lawfully-established non-residential uses may be redeveloped up to intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the land development regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan allowed, whichever is more restricted</u>			

IV RECOMMENDATION

Staff has found that the proposed text amendment would be consistent with the provisions of §102-158(d)(5)(b): 1. Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based; 2. Changed assumptions (e.g., regarding demographic trends); 3. Data errors, including errors in mapping, vegetative types and

1 natural features described in volume I of the plan; 4. New issues; 5. Recognition of a need for
2 additional detail or comprehensiveness; or 6. Data updates. Specifically, staff has found that
3 the proposed text amendments are necessary due to recognition of a need for additional detail
4 or comprehensiveness.

5
6 Therefore, staff recommends that the Board of County Commissioners amend the Monroe
7 County Code as stated in the text of this staff report.